

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNI-CON FLOORS, INC.)
Plaintiff,)
v.) C.A. No.: 05-10463 NG
BRICKLAYERS & ALLIED CRAFTSMEN)
UNION, LOCAL 3 – EASTERN)
MASSACHUSETTS)
Defendant.)
_____)

**AFFIDAVIT OF JONATHAN M. CONTI
IN SUPPORT OF AWARD OF ATTORNEY'S FEES AND COSTS**

Jonathan M. Conti deposes and says as follows:

1. I am an attorney associated with the law firm of Feinberg, Campbell & Zack, P.C., located at 177 Milk Street, Boston, MA 02109. I am admitted to practice before the United States District Court for the District of Massachusetts and the Massachusetts Supreme Judicial Court. I have acted as the legal representative of Defendant Bricklayers and Allied Craftsmen Union, Local 3- Eastern Massachusetts for the purposes of the above-captioned matter.
2. The amount of time this office has expended in representing the Defendant against Plaintiff's attempt to vacate the arbitration award has been 29.25 hours charged at the rate of \$195.00 per hour and 4.75 hours charged at the rate of \$215.00 per hour. Accordingly, the amount of legal fees incurred by the Fund as a result of work performed by this office is \$6,670.00. The costs incurred

total \$591.25. An itemized copy of Plaintiff's attorney fees and costs is attached hereto as Exhibit A.

3. The total of attorney's fees and costs incurred by the Plaintiff is \$7,639.90.

SIGNED UNDER PENALTIES OF PERJURY THIS 16th DAY OF JANUARY,
2007.

/s/ Jonathan M. Conti

Jonathan M. Conti
BBO# 657163

Client	Trans Date	H	Atty	P	Tcd	Rate	Hours to Bill	Amount	Ref #
Client ID 123.022 Bricklayers Local 3									
123.022	12/08/2004		1	A	21	215.00	1.00	215.00	Review of contract between Uni-Con and Suffolk; Letter to C. Raso
123.022	01/07/2005		1	A	1	215.00	1.00	215.00	Telephone conference with C. Raso; Letter to Attorney Fleury
123.022	01/25/2005		1	A	18	215.00	1.00	215.00	Preparation of Arbitration Award
123.022	02/08/2005		1	A	18	215.00	0.50	107.50	Preparation of letter to Attorney Fleury with the Arbitration Award
123.022	02/08/2005		1	A	54			4.42	Certified Mail Cost - letter to David Fleury, Esq.
123.022	03/02/2005		1	A	21	215.00	1.00	215.00	Review of Attorney Fleury letter; Preparation of Response
123.022	03/23/2005		1	A	18	215.00	2.75	591.25	Preparation of Federal Court Complaint
123.022	03/24/2005		1	A	114			250.00	Filing Fees/ (38) Clerk, US District Court
123.022	05/10/2005		1	A	18	215.00	2.00	430.00	Preparation of Answer and Counter Claim to Enforce Award
123.022	07/29/2005		3	A	21	195.00	0.50	97.50	Review file in preparation for summary judgment
123.022	08/02/2005		3	A	18	195.00	2.00	390.00	Preparation of Summary Judgment brief
123.022	08/09/2005		3	A	18	195.00	2.00	390.00	Preparation of Summary Judgment brief
123.022	11/08/2005		3	A	21	195.00	2.50	487.50	Preparation of Summary Judgment brief
123.022	11/11/2005		3	A	27	195.00	3.00	585.00	Draft Memorandum in Support of Summary Judgment Motion, Motion for Summary Judgment, Affidavit of C. Raso, Affidavit of Michael Feinberg, Statement of Undisputed Facts, Local Rule 16.1 Certification, and Notice of Appearance
123.022	11/14/2005		3	A	1	195.00	1.00	195.00	Edit Summary Judgment documents; Prepare exhibits; Telephone conference with Charles Raso
123.022	11/15/2005		3	A	1	195.00	0.50	97.50	Final edit of Summary Judgment documents; Sent affidavit to Charles Raso
123.022	11/16/2005		3	A	1	195.00	0.50	97.50	Telephone conference with Attorney Fleury's office; Review Summary Judgment documents before filing
123.022	12/14/2005		3	A	27	195.00	1.00	195.00	Draft Joint Scheduling Report and fax to Attorney Fleury; Draft Settlement letter offer to Fleury
123.022	12/20/2005		3	A	27	195.00	0.50	97.50	Draft Defendant's Scheduling Report and file with the Court
123.022	12/28/2005		3	A	21	195.00	2.50	487.50	Review Summary Judgment brief and Scheduling Conference report; Attend Scheduling Conference
123.022	01/10/2006		3	A	16	195.00	3.00	585.00	Conference with Attorney Feinberg; Review file and Uni-Con's Opposition for Motion for Summary Judgment; Research; Draft memo to Attorney Feinberg; Telephone conference with Court clerk
123.022	01/11/2006		3	A	1	195.00	1.50	292.50	Telephone conference with Court clerk; Research for Motion to Strike
123.022	01/12/2006		3	A	20	195.00	0.50	97.50	Research; Conference with Attorney Feinberg regarding Striking of Opposition and Reply Memorandum
123.022	01/13/2006		3	A	27	195.00	3.00	585.00	Draft Motion to Strike, Opposition to Motion for Summary Judgment and Reply Memorandum of Law in Support of Motion for Summary Judgment
123.022	01/17/2006		3	A	27	195.00	2.00	390.00	Edit Motion to Strike and Reply Memorandum of Law
123.022	01/18/2006		3	A	14	195.00	0.50	97.50	Letter to C. Raso regarding affidavit; Prepare exhibits
123.022	04/20/2006		3	A	21	195.00	0.50	97.50	Review Magistrate Judge's Decision; Letter to C. Raso
123.022	05/11/2006		3	A	27	195.00	1.00	195.00	Draft Notice of Deposition and list of documents for Uni-con produce
123.022	06/06/2006		3	A	21	195.00	1.00	195.00	Review arbitration award and file in preparation for deposition
123.022	06/07/2006		3	A	27	195.00	0.50	97.50	Draft letter and Notice of Deposition
123.022	06/15/2006		3	A	27	195.00	0.50	97.50	Draft letter to Attorney Fleury regarding records and deposition
123.022	06/16/2006		3	A	35	195.00	0.50	97.50	Edit letter to Fleury
123.022	07/10/2006		3	A	27	195.00	1.00	195.00	Draft Subpoena for American Floor Company; Conference with Attorney Feinberg; Letter to American Floor Company
123.022	07/17/2006		1	A	115			128.65	Service of Witness Subpoena: Commonwealth of Massachusetts, Bristol County Sheriff's Office
123.022	07/24/2006		3	A	14	195.00	0.50	97.50	Letter and telephone conference with Attorney Fleury
123.022	08/09/2006		1	A	118			141.28	Photocopying Expenses/ copies of discovery documents from Attorney Fleury
123.022	08/11/2006		3	A	21	195.00	2.50	487.50	Review documents provided by Uni-Con consultant Fees/ Floors and American Floor Company
123.022	08/14/2006		3	A	18	195.00	1.50	292.50	Preparation of calculations of hours, wages and contributions owed on UMass project; Memo to Attorney Feinberg
123.022	08/16/2006		3	A	27	195.00	0.50	97.50	Draft Demand letter to David Fleury
123.022	08/24/2006		3	A	27	195.00	3.00	585.00	Draft Motion for Post Judgment Trustee process, Affidavit of Attorney Conti and Trustee Summons; Research
123.022	08/25/2006		3	A	35	195.00	1.00	195.00	Edit Post Judgment Motion for Trustee Process; Prepare Affidavit of Attorney Conti and Trustee Summons
123.022	08/28/2006		3	A	35	195.00	1.50	292.50	Edit Post Judgment Trustee Process documents
123.022	08/29/2006		3	A	35	195.00	2.00	390.00	Final edit to and filing of Trustee Process documents
123.022	09/01/2006		1	A	118			121.48	Photocopying Expenses- documents from Attorney Fleury
123.022	09/06/2006		3	A	1	200.00	1.50	300.00	Telephone conference with C. Raso; Draft letter to Bacon Construction regarding claim against Uni-Con; Letter to Attorney Fleury
123.022	09/07/2006		1	A	54			5.14	Certified Mail Cost-Copy of Documents to George Agostini
123.022	09/07/2006		1	A	54			5.14	Certified Mail Cost-Copy of Documents to Superintendent Dr. Robert O. McIntyre
123.022	09/12/2006		3	A	14	200.00	0.50	100.00	Letter to Uni-Con's attorney; Telephone conference with C. Raso
123.022	09/14/2006		2	A	207			755.31	Fee Adjustment
123.022	09/14/2006		1	A	134			43.39	Online Computer Research Charges via Lexis-Nexis during the

Client	Trans Date	Atty	H P	Tcd	Rate	Hours to Bill	Amount	Ref #
Client ID 123.022 Bricklayers Local 3								
123.022	10/04/2006	3	A	21	200.00	0.30	60.00	month of August 2006
123.022	10/05/2006	3	A	21	200.00	0.50	100.00	Review Motion to Intervene by Colonial
123.022	11/02/2006	3	U	27	200.00	0.30	60.00	Review Motion of Insurer to Intervene
123.022	11/03/2006	3	U	35	200.00	0.25	50.00	Draft Local 7.1 certification; Telephone conferences with Attorney Fleury and Attorney Shannon
								56
Total for Client ID 123.022				Billable	49.35	11134.81	Bricklayers Local 3	
				Non-billable	7.25	1558.75	Uni-Con Floors, Corp.	
				Total:	56.60	12693.56		
GRAND TOTALS								
				Billable	49.35	11134.81		
				Non-billable	7.25	1558.75		
				Total	56.60	12693.56		